

## **REMARKS**

This Response, Amendment, and Examiner's Interview Summary is filed in reply to the Office action dated February 16, 2006, and is further to the May 11, 2006 Examiner's Interview between the Examiner and the undersigned Applicant's Representative. The following remarks constitute the full discussion between the Examiner and the undersigned Applicant's Representative in the May 11, 2006 Examiner's Interview. By this Amendment, claim 1 is amended and claims 13-20 are added, leaving claims 2-12 unchanged.

On page 2 of the Office action, the title of the present application is objected to as not being sufficiently descriptive. The title is hereby amended as suggested by the Examiner. Accordingly, withdrawal of the objection to the title is respectfully requested.

Also on page 2 of the Office action, claim 4 is objected to based upon the phrase "chassis each fork" in line 8 of claim 4. Claim 4 is hereby amended as suggested by the Examiner. Accordingly, withdrawal of the objection to claim 4 is respectfully requested.

On pages 2-4 of the Office action, claims 4 and 5 of the present application are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,199,781 issued to Hruska in view of U.S. Patent No. 5,562,392 issued to Raben. Also, on pages 2 and 4 of the present application, claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hruska in view of Raben, and further in view of U.S. Patent No. 4,325,666 issued to Chain et al. On pages 2, 4 and 5 of the Office action, claims 7-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hruska in view of Raben, and further in view of U.S. Patent No. 4,938,652 issued to Sanderson and U.S. Patent No. 5,338,148 issued to Ronnblom. Finally, on pages 2 and 5 of the Office action, claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hruska in view of Raben, and further in view of U.S. Patent No. 4,348,143 issued to Hedgespeth.

Claim 4 is hereby amended, and calls for:

An apparatus for processing baled crop material comprising:

- a. a chassis having a front and back end and a left and right side;
- b. a bale receptacle mounted on the chassis;
- c. a disintegrator mounted in the bale receptacle adapted to disintegrate baled crop material and to discharge processed material out of the bale receptacle;
- d. a fork lift mounted toward the back end of the chassis having a fork lift frame pivotally connected to the chassis and two forks on said fork lift frame extending rearward of the chassis with each fork having a free end distal from said chassis;
- e. a hydraulic cylinder connected between the fork lift frame and the chassis adapted to pivot the fork lift frame between a first position in which said forks are maintained in close proximity to the ground facilitating sliding of the forks under a stationary bale and a second position in which said forks extend above the top of said receptacle;
- f. a bale carrier between the respective forks having a lower profile than said forks when said fork lift frame is in said first position facilitating sliding of the carrier under a square bale on a planar surface, said bale carrier comprising separate bale carrier elements attached toward said free end of the respective forks, said bale carrier elements each having a front section attached toward the free end of its respective fork and tapering inwardly toward the opposing fork, said bale carrier being adapted to engage and support a bale as it is lifted by said fork lift; and
- g. wherein said fork lift is adapted to retain said bales on said forks as the fork lift frame is pivoted between said first and second position and to release said bale into said receptacle when said fork lift frame approaches said second position thereby flipping said bale into said bale receptacle.

As discussed with the Examiner and the Examiner's Supervisor (Examiner Boyer-Ashley) in the May 11, 2006 Examiner's interview with the undersigned Applicant's Representative, claim 4 calls for a bale processing apparatus having a chassis, a bale receptacle, a bale disintegrator, a fork lift having two rearwardly-extending forks, having a fork lift frame, and pivoted by a hydraulic cylinder, and a bale carrier between the forks, having bale carrier elements attached to the free ends of the forks, and adapted to engage and support a bale as it is lifted by the fork lift, wherein each bale carrier element has a lower profile than the forks in a position of the fork lift frame, and has a front section tapering inwardly toward the opposing fork.

As also discussed with the Examiner and the Examiner's supervisor, the configuration of the bale carrier elements as claimed in claim 4 is significant to the invention. In particular, the

shape and configuration is adapted particularly to overcome problems that may be encountered with loading large square bales into bale processors. When such bales must be lifted from the ground and “flipped” using a fork lift mounted on the back of a bale processor into the processor, problems may be encountered due to engagement of the forks with twine holding the bale together, baled crop material or extraneous material in or under the bale. The low profile and tapered nature of the bale carriers facilitates the bale carriers being slid longitudinally under a bale while minimizing the risk of “snagging” any material which may result in the bale becoming hung up on the fork lift or otherwise causing problems as an attempt is made to “flip” it into the bale processor.

The same issues do not arise when one is attempting to lift tires (Raben) or to try and retain a bale already lifted into the box of a pickup truck (Chain). Stacks of tires do not present the likelihood of the lifting implement “snagging” loose material or twines. Similarly, retaining structures on trucks that are not used to engage and lift bales do not raise the same concerns.

Based on the foregoing and other differences between the purposes and manner of use of the present invention and Hruska, and the implements disclosed in Raben and Chain, it is respectfully submitted that Raben and Chain do not present analogous art that may be considered to render the present invention obvious when combined with Hruska.

Even if Hruska, Raben, and Chain are analogous art to the apparatus for processing bales as claimed in claims 1-12 (and as discussed above, this is not the case), Hruska, Raben, and Chain fail to teach, describe, or suggest, alone or in combination, the apparatus claimed in claims 4-12.

As acknowledged by the Examiner in the Office action and in the May 11, 2006 Examiner’s Interview, Hruska fails to teach or suggest inwardly-extending bale carrier elements. As also discussed in the May 11, 2006 Examiner’s Interview, Raben and Chain also fail to disclose, alone or in combination with other components comparable to those in claim 4, bale carrier elements attached toward the free ends of the forks and having front sections tapering inwardly toward one another. In the Office action and in the May 11, 2006 Examiner’s

Interview, the support surfaces 216 of the Raben device were compared by the Examiner to the bale carrier elements in claim 4. However, the support surfaces 216 of the Raben device have rounded corners (not numbered).

This feature is significantly different from bale carrier elements “taper[ed] inwardly toward [an] opposing fork” as claimed in claim 4. The Applicants respectfully submit that a rounded corner fails to anticipate or render obvious a tapered front section of a bale carrier element. These shapes are significantly different from one another, and could not fairly be considered to be analogous. Furthermore, there is no indication that the rounded corners of the support surfaces 216 in the Raben device could even perform the function of the tapered front sections of the bale carrier elements of claim 4. Indeed, the manner in which the support surfaces 216 of the Raben device slide under a stack of tires is significantly different from the manner in which the tapered front bale carrier element sections of claim 4 are adapted to engage and support a bale. The support surfaces 216 of the Raben device move in a non-linear fashion as the arms 221 to which they are attached spread apart about a stack of tires. In contrast, the bale carrier elements claimed in claim 4 are adapted to slide beneath a bale as the tapered front sections reduce the opportunity of snagging against baling elements or other foreign objects – a concern that does not appear to be present in normal operation of the Raben device. Raben fails to teach, describe, or suggest whether the support surfaces 216 with rounded corners could perform a function similar to that of the bale carrier elements claimed in claim 4, nor does Raben provide any motivation to change the shape of the support surfaces 216 to have tapered front sections as claimed in claim 4.

In the May 11, 2006 Examiner’s Interview with the undersigned Applicant’s Representative, the remarks presented above were discussed in detail. In light of these remarks, the Examiner’s Supervisor (Examiner Boyer-Ashley) acknowledged that these remarks would appear to help distinguish claim 4 over Hruska, Raben, and Chain if placed on the record.

Accordingly, and for still other reasons not presented herein, the Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of amended claim 4. Claims 5-12 are

each ultimately dependent upon amended claim 4, and are allowable based upon amended claim 4 and upon other features and elements claimed in claims 5-12 but not discussed herein.

New claims 13 and 17 are amended forms of claim 4, and include various features of claim 6. In the May 11, 2006 Examiner's Interview, the Examiner's Supervisor indicated that claim 6 may contain allowable subject matter independent of the features of claim 11 (referenced on page 5 of the Office action). Claims 14-16 and 18-19 are each dependent upon claims 13 and 17, respectively, and are allowable based upon claims 13 and 17 and upon other features and elements claimed in claims 14-16 and 18-19 but not discussed herein.

New claim 20 is also an amended form of claim 4, includes the features and elements of claims 6 and 11, and is therefore allowable as noted by the Examiner on page 5 of the Office action.

### **CONCLUSION**

In light of the above remarks, the Applicant respectfully requests allowance of Claims 4-20. The Examiner is invited to contact the undersigned Applicant's Representative in order to advance prosecution of this application.

Respectfully submitted,



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